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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.924 OF 2005
IN
SUIT NO.934 OF 2005

Britannia Industries Ltd. ... Plaintiff

V/s.

Raj Agro Products Pvt. Ltd. ... Defendant

Mr.Rahul Chitnis with P.Paul i/b M/s.Nanu Hormasjee & Co. for Plaintiff
Mr.Joy Joshi i/b I.R. Joshi & Co. for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 20, 2006**

P.C.:

. The Plaintiff complains of infringement of its registered copyright in the label at Exhibit B to the plaint. The Plaintiff also complains that by manufacturing biscuits which are similar to those manufactured by the Plaintiff, the Defendant has infringed their design registration at Exhibit F1 to the plaint. The Defendant is manufacturing the biscuits under the name "TRIGGER" whereas the Plaintiff manufactures biscuits in the name "TIGER", thereby creating confusion in the minds of the traders and customers.

2. An obvious case of infringement and passing off has been made out by the Plaintiff. The labels of the Defendant's product "TRIGGER" are deceptively similar to the plaintiff's label. Besides that, the copyright in

the registered design in respect of the biscuits has also been infringed.

2. It appears that the Defendant is an habitual offender as contended by the Plaintiff and that a similar case being **Notice of Motion No.1337 of 2005 in Suit No.1234 of 2005** *(ITC Limited v/s. Raj AGro Products Pvt. Ltd.)* filed against it has resulted in interim relief being granted to the Plaintiff in that case. This was in respect of the label "SUNFEAST" and "SUNFEAST GLUCOSE" which had been infringed by the Defendant.

2. By ad-interim order granted on 28.3.2005, the Receiver has already taken possession of the goods from the Defendants and prayer clause (a) of the Motion has worked itself out. The Plaintiff has in fact sought interim relief in terms of prayer clauses (b) to (e).

3. Notice of Motion is made absolute in terms of prayer clauses (b) to (e).